

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv98**

**JEAN ANN COYER,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

**ORDER OF REMAND**

**THIS MATTER** is before the Court on the Defendant's Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g), to which Plaintiff consents. [Doc. 9].

Sentence four of 42 U.S.C. §405(g) provides in pertinent part, "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties have moved for reversal of the decision of the Defendant and remand for further administrative proceedings.

Specifically, the Defendant asks that the Appeals Council assign the case to an Administrative Law Judge (ALJ), with instructions to update the

record, obtain medical expert evidence regarding Plaintiff's impairments and functional limitations, and offer Plaintiff the opportunity for a new hearing. The ALJ will obtain vocational expert testimony if necessary, before proceeding through the sequential evaluation process and issuing a new decision.

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

**IT IS, THEREFORE, ORDERED** that the Defendant's Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 9] is hereby **GRANTED**; and

**IT IS FURTHER ORDERED** that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and

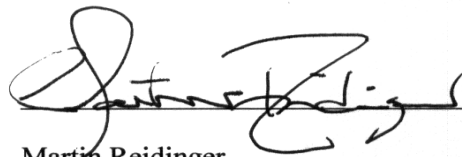
**IT IS FURTHER ORDERED** that upon remand, the Appeals Council remand the case to an ALJ to hold a hearing, address the findings of the state agency, take any further action needed to complete the administrative record, and issue a new decision.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

**IT IS FURTHER ORDERED** that upon remand, the Appeals Council will assign the case to an Administrative Law Judge (ALJ), with instructions to update the record, obtain medical expert evidence regarding Plaintiff's impairments and functional limitations, and offer Plaintiff the opportunity for a new hearing. The ALJ will obtain vocational expert testimony if necessary, before proceeding through the sequential evaluation process and issuing a new decision.

**IT IS SO ORDERED.**

Signed: August 30, 2011

  
Martin Reidinger  
United States District Judge

